

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MICHAEL HACKLEY, et al.	:	
Plaintiffs,	:	
vs.	:	JFM 02 CV 3363
LVL X, INC., et al.	:	
Defendants.	:	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON COUNT II

Defendants LVL X, Inc., John Lee, and Jeffrey Way motion for summary judgment on Count II against plaintiffs under Rule 56 of the Federal Rules of Civil Procedure, stating that:

Defendants move for summary judgment on Count II under Rule 56 of the Federal Rules of Civil Procedure in that there is no genuine issue as to any material fact and that defendants are entitled to a judgment as a matter of law. Defendants hereby incorporate herein by reference, as if fully stated herein, their memorandum of points and authorities and exhibits, in support hereof.

WHEREFORE, defendants LVL X, Inc., John Lee and Jeffrey Way respectfully request the Court to grant summary judgment against plaintiffs on Count II of the Amended Complaint.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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Facsimile: 301-540-5901  
Bar No.: 15677

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 01-18-04, I caused a copy of the foregoing paper to be served to: Deborah Westervelt, 10 North Calvert Street, Suite 153, Baltimore, MD 21202 and Terrence McShane, 1211 Connecticut Avenue, N.W., Suite 425, Washington, D.C. 20036.

\_\_\_\_\_/s/\_\_\_\_\_  
Christopher M. Johns